



WEARE BOARD OF SELECTMEN
MEETING MINUTES
September 20, 2004

*****FINALIZED*****

PRESENT: LAURA PETRAIN, CHAIRMAN; LEON METHOT, CO-CHAIRMAN; HELEEN KURK, SELECTMAN; DOUGLAS COOK, SELECTMAN.

TOWN ADMINISTRATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: MERRY RICE

GUESTS: FRANK CAMPANA, RICHARD BUTT, MARY MARTIN, LORI ANDERSON, LISA STATCHEN, FORREST ESENWINE, GINGER ESENWINE, MARK BODANZA

6:35 p.m. Chairman Laura Petrain called the meeting to order.

1. PUBLIC PARTICIPATION - Richard Butt wants clarification from a statement made by Selectman Cook on August 2, 2004. This is regarding a question from a member of the public regarding March 10, 2003 nonpublic meeting minutes. Mr. Butt said Selectman Cook stated that the minutes of that meeting were available, although not as detailed as some would like. Mr. Butt went to the Clerk's office and the Selectmen's office last week looking for the minutes and they did not seem to exist. Mr. Butt said he had a copy of an e-mail and he wanted clarification from Selectman Cook if that e-mail is what he was referring to. Mr. Butt handed some minutes to Selectman Cook for him to look at.

Selectman Cook told Mr. Butt that all he knew was ex-Selectman Brian McDonald sent the minutes over and they are available and he said if the Town Clerk or Selectmen's office did not have them he did not know why.

Mr. Butt asked Selectman Cook what he meant when he said they were available and Selectman Cook said after talking to Mr. McDonald personally he told Selectman Cook, "these are the minutes and if they are not on record, then you need to find out why."

Mr. Butt said he did not know how much further he had to pursue this but when he asked the Selectmen's office he was told they could not find them and that they are not available. Mr. Butt told Selectman Cook that it does not appear that the minutes are available.

Chairman Petrain said the only ones that are available she had seen were in e-mail form. Mr. Butt told the Board the only thing that was found by the Selectmen's office was an e-mail and he said that e-mail is certainly not minutes in his estimation. Mr. Butt said it was a three hour meeting and the last meeting that the Board of Selectmen had was a three hour meeting and there

were twelve pages of minutes and the e-mail in question consisted of eleven words and Selectman Cook said yes, they are not as detailed as some might like.

Mr. Butt asked Selectman Cook if he wanted to look at the e-mail he had and Selectman Cook said he didn't have to, that they were the minutes from the meeting.

Mr. Butt asked Selectmen Cook if he thought the Attorney General's office may not think these are enough minutes. The Attorney General's office said a set of minutes is a brief description of each subject discussed and eleven words is very brief and does not describe anything said Mr. Butt. Mr. Butt said the format is in the form of an e-mail, not signed by the Board, no town seal and the subject matter was discussion of Police Personnel, Officer pay scale and Chief's new contract.

Chairman Petrain explained to Mr. Butt that just recently the Board asked the Local Government Center about this e-mail that is the meeting minutes of a nonpublic session. The Local Government Center said a late compliance is better than no compliance under the Right-to-Know law. But his e-mail did not come late. The content was inadequate.

Selectman Cook told Mr. Butt that the e-mail are the minutes submitted because for some reason nobody can find these minutes upstairs so Mr. McDonald re-emailed these things again so we could have an official copy. Selectman Cook went on to say, "why Bob is not passing these out as official minutes, he does not know."

Mr. Butt asked if these were the official record of that meeting and Chairman Petrain said yes, it is the only record and yes, it is the official record and it has a signature and will be given to the Town Clerk's office.

Frank Campana came up to the microphone and said he finds it hard to believe that late minutes are better than no minutes. He would object to going back to ex-board members to re-write minutes because they are not under oath any longer.

Chairman Petrain explained the Local Government Center did not say the Board could go back and re-write the minutes, they looked at the e-mail and said late compliance is better than no compliance.

Mr. Campana said last year towards the end of October the Board met with the Department of Revenue to set the tax rate and that time is coming, this month or next month. Mr. Campana would like some kind of notice to know when that meeting is coming up so that he can attend. Mr. Campana would like to hear of discussion in preparation for that meeting coming up because last year there was no time for preparation.

Chairman Petrain said they are still waiting for the audit and Mr. Campana can keep in touch with the Selectmen's office as to when this will be coming up.

2. OLD BUSINESS

MEETING MINUTES

The Board discussed the meeting minutes of September 7, 2004 and needed changes.

Chairman Petrain moved, Selectman Kurk seconded to accept the meeting minutes of September 7, 2004 as amended. Passed 3-0-1. Selectman Cook abstained.

CABLE COMMITTEE – Volunteers Matt Esenwine, and Craig Fuhrmann submitted their applications to serve on the Cable Committee to the Board.

Selectman Kurk moved, Chairman Petrain seconded to appoint Matt Esenwine and Craig Fuhrmann to the Cable Committee for a term of 3 years as Alternates. Passed 4-0-0.

DUCK POND ROAD – Selectman Kurk said she has looked at Duck Pond Road and it still not posted. Chairman Petrain asked Mr. Christensen to check on this.

BI-WEEKLY PAYABLES – Selectman Kurk asked if the bi-weekly payables were going to be done and Chairman Petrain said she is still waiting for some information.

Selectman Kurk asked co-Chairman Methot if he did any figuring on how much money would be saved by having payroll done outside. Co-Chairman Methot said he asked one company and to have payroll done outside would cost \$60.00/week with all the variables he could think of. Selectman Kurk asked about the Manifest and Co-Chairman Methot said that would still have to be done.

SELECTMEN'S MEETINGS – Selectman Cook voiced his concern having Selectmen's meetings other than Monday evenings because he cannot attend meetings other than Monday. Selectman Cook referred to the meetings that took place last Wednesday and the Tuesday before. Selectman Cook said he would also like to bring up things that are being discussed and taken action on that are not on the agenda like setting the Deliberative Session and other things. Selectman Cook said he was upset and said it is not fair for him or whoever is looking at the agenda and wants the Board to refrain from doing that in the future.

MEETING MINUTES – Selectman Cook wanted to go back to Mr. Butt's complaint about the inadequate meeting minutes. The Local Government Center saying the meeting minutes could be inadequate by the Board not listing who is present. Selectman Cook said his recollection is the Board was in a nonpublic session discussing the Chief's contract and he does not recall discussing the Ethics Code in a nonpublic session. Chairman Petrain said that was her fault by sending an e-mail to Mr. Christensen talking about the Ethics Code and the Police Personnel Policy and when it came back the public minutes stated it was done in public.

Selectman Cook said he disagrees that no minutes of nonpublic session were ever filed because that is not true, they were filed and he does not know why they could not be located in the Selectmen's office. When Mr. McDonald was asked about this, he again resubmitted the meeting minutes.

Selectman Cook said he does not know why Mr. Butt is told meeting minutes are not available when he comes into the Selectmen's office and asks for them. It is simply not true. Mr. McDonald was Chairman at the time and those are the minutes he filed with the Selectmen's office. Selectman Cook said if someone has a problem with the substance of them that is a whole other matter, Mr. McDonald has filed the minutes, why is our office saying they are not

available? Mr. Christensen was asked why is the Selectmen's office saying they are not available and Mr. Christensen said he does not remember this, the timing he thinks when the e-mail came he received the e-mail after they were discussing and he thinks it was pursuant to the original Right-to-Know request. Mr. Christensen said at the time of the original Right-to-Know request he could not find any documentation supporting the nonpublic. Selectman Cook said to Mr. Christensen, "so after you couldn't physically put your hands on the minutes, you contacted Mr. McDonald, right, and then Mr. McDonald re-submitted the minutes to you." Mr. Christensen said yes, Mr. McDonald e-mailed him. Selectman Cook then asked Mr. Christensen why weren't those minutes that Mr. McDonald submitted to you, put into record, or put on file, or however we do it. Mr. Christensen responded with, "honestly, at the time, he did not know if those reflected actual minutes." Selectman Cook asked Mr. Christensen if Mr. McDonald told Mr. Christensen those were actual minutes and Mr. Christensen responded with the answer no. Mr. Christensen explained to Selectman Cook that when he told Mr. McDonald the Selectmen's office did not have any minutes Mr. McDonald then sent Mr. Christensen the e-mail and said this was his recollection of what happened. Selectman Cook then said to Mr. Christensen, "so those are the minutes that were sent so why are we telling people we don't have the minutes." Selectman Cook said he was not going to make excuses in probably the lacks in the minute taken or whatever, "I didn't do it, it wasn't my job, but however brief the minutes are, the Chairman at the time has submitted the minutes. They are the official record of that meeting, so regardless with whoever has a problem with the substance of those meeting minutes, those are the record of that meeting. Are they inadequate as Local Government Center says? Maybe, because they don't list everybody in the room at the time. Selectman Cook said he could show a legal opinion from Town Counsel that says they don't want detailed nonpublic meeting minutes. So there seems to be a little of both things, detailed, non-detailed, when do you do detailed minutes, when do you do non detailed meeting minutes. Selectman Cook said again, we have meeting minutes that were submitted and are the official record of that meeting and if the people don't like the substance of them it is irrelevant. Selectman Cook told Mr. Christensen when he is asked for these meeting minutes, we have them, and we've had them for quite a while. Mr. Christensen told Selectman Cook when that request came in he did not have that e-mail in his hand and he did not know from the Board whether they viewed those as meeting minutes, so he did not get the clear message that okay this is now recognized as meeting minutes, so had those been entered into the record, no, they could be. Chairman Petrain told Mr. Christensen to make sure those are entered into the books. Selectman Kurk asked if there were any other times that meeting minutes were done through e-mail and Mr. Christensen said we are talking two different things. Mr. Christensen said he found those in the file, if we are talking about the same thing, the e-mail that he received from Mr. McDonald, which again, if that is what we are going to call the minutes, was about two lines long, that's all it was and it simply said, we met, we signed the contract, we formulated the Police Personnel, that is it, so those are not what we are talking about, we are talking about what he received from Mr. McDonald. Selectman Cook said, this is what you received from Mr. McDonald and Mr. Christensen said, no. Mr. Christensen told Selectman Cook this is the document sitting here you were saying should be circulated as actual minutes. Selectman Kurk said, "wait a minute, now I am confused" and Chairman Petrain said "was that signed or was that an e-mail and Mr. Christensen said, "it was an e-mail." Mr. Christensen said, "these I just found and again he is not sure because he has not gotten from the Board yet if they want these to be official minutes so he did not want to distribute something that may or may not be. Selectman Kurk asked what this other thing was and Mr. Christensen responded, "when the original Right-to-Know request came in, multiple requests, March of this year, we then began looking for these, at the time there was nothing, so we had conversations

with the Board and approached Mr. McDonald and said, “hey are you aware of where these might be?” because Mr. Christensen talked to Mr. Esenwine and there was even a document that he had and he was able to find some material regarding the Commission minutes and there was a big gap, so we were trying to find out why there was a big gap and we were searching for information trying to find it and at the time we had nothing. Mr. Christensen then contacted Mr. McDonald and Mr. McDonald typed out about three lines and again, that the Police Contract was signed and that the Police Personnel Policy was put into place and that was the e-mail Mr. Christensen received and then this other e-mail was recently found and there was a copy of it upstairs, so that is where we are at and that is what Mr. Christensen had found and that is the two things that Mr. Christensen is aware of that allude to the nonpublic of March 10. Selectman Cook then said, “so we did have the meeting minutes, we had them all along and just what Mr. Christensen just said, when Mr. McDonald was contacted again a year later, this reiterated what went on, two lines whatever it was and Mr. McDonald e-mailed it to Mr. Christensen. Mr. Christensen said he thinks the issue is that was during the transition period of an individual who was serving in that role upstairs and was here for only a week and unfortunately that was when this all transpired and this all got lost. Selectman Cook said, “exactly, there was no underhanded backdoor deal, corruption, conspiracy whatever you want to call it. Selectman Cook said, “all he would say, is that if you were to gather the people that were present in that meeting they would reiterate exactly what happened, we wouldn’t go into detail exactly what went on that night just to say that those people that were involved in that meeting supported what went on and all voted in favor. It is not like you would have two years later that three out of the five would say, “no, that didn’t happen”. Selectman Cook wants to see those minutes put on official letterhead and filed with appropriate agencies because they are the official records of that meeting.

SIGNING OF SUGAR AND SPICE DAYCARE LEASE AGREEMENT - Mary Martin, Lori Anderson and Lisa Statchen read the lease over and the only change made was the calculation for rent because it said \$6,000.00 and should have been \$2,100.00. After change was made the final signing of the agreement was made.

Co-Chairman Methot moved, Selectman Kurk seconded to sign the lease agreement with Sugar and Spice Daycare. Passed 4-0-0.

POLICE PERSONNEL POLICY – Chairman Petrain asked Mark Bodanza if anyone else from the Police Department was going to attend the meeting and he replied, no.

Chairman Petrain at the last discussion of the Police Personnel Policy the Board stopped on page 17, second half.

Selectman Kurk asked the Board about the information the Board received from the Local Government Center information board. They said the whole policy should not have been done in nonpublic session that it should have been done in public session. Selectman Cook said it was done in public session because the minutes were not sealed. Selectman Kurk said whatever the Board is doing wants to make sure it is being done right and legally. Selectman Kurk said that after reading over the policy again she feels there are lots of gaps, places where the Board does not have the information. Selectman Kurk wants to make clear for Board as well as Police personnel what it is they are doing.

Mark Bodanza said the Association is a not for profit organization and is not a bargaining negotiation or registered with the Labor Department of New Hampshire. They can form an association with the Labor Department and choose to be a union if they wish to do so. It can be both charitable and nonprofit as long as requirements are fulfilled. The association was made up for sponsorship of people to be able to do things that they would otherwise not be able to do, like build dugouts, go to France to play basketball, different things that they have been able to do, child I.D. days, open house, etc. That is where the money goes for a not for profit organization.

Chairman Petrain said the employee definitions have been requested from Chief Rigney and he has not sent them back yet.

Selectman Cook wants to say something in regard to Local Government Center and their interpretation of the Police Personnel Policy. Selectman Cook said the policy was adopted in public session and was drafted and adopted by the Police Commission that was in charge at the time and the only reason it came to the Board was to be officially adopted and that is what the Board did.

Selectman Kurk stated on page 8, there is a box that says by unanimous vote of all members of the Weare Police Association as of March 7, 2003, any supervisor Board of Selectmen or Chief of Police. Selectman Kurk wants it explained to her the authority, not trying to undermine our Police Force, she just wants to understand what role the association can play in this. Chairman Petrain said, unless they are registered with the Labor Board the Association really doesn't have bargaining power. Mr. Bodanza said the Association is not a registered union with the Department of Labor to be able to be a bargaining unit as defined by the RSA into union and teamsters. Their attorney is saying it is a valid contract and binding. Binding in a contract with the Town and the Town in its conception of this policy is in a contract with the Police Department.

Chairman Petrain said she does not know what the purpose is of having the association versus each individual officer. If this is what the Board is offering as a Wage and Benefit package to officers as they come on she does not understand why the Board would need to have reference to a Police Association. Mr. Bodanza said everyone that was on it at the time was a member. They were all part of that association.

Chairman Petrain asked Mr. Bodanza if the Board decided to take the bargaining agents out and have each officer sign the personnel policy and they wouldn't be losing anything other than changes.

Mr. Bodanza said that any changes would be a breach of a contract. Any changes made with any individual officer as part of the association with the Board and if you come to an agreement and you negotiate a contract and an addendum to the contract, both sides would have to agree upon and sign upon.

Selectman Kurk said this has no beginning or ending date and finds that hard to believe and does not understand it.

Chairman Petrain said the Board has to decide as a Board what is fair across the board. Chairman Petrain said she is disappointed that at the last meeting there was almost a blowup and

it was an opinion of the Chief that the Board was leaving people out and yet the Board has asked for information and the Board has not received this information yet. The Board would like to finish this up and the Board needs to put their foot down and give a date this information is needed by.

Selectman Kurk said lets set a date and send out a letter and ask the Chief to please fill in those blanks for the Board.

Chairman Petrain said there should be job descriptions of all jobs and Selectman Kurk said the Selectmen's office has job descriptions of all jobs she believes.

Selectman Kurk said that after looking at the reimbursement tuition and as a teacher she has a problem with just a C because she sees that as being just plain average. She would really like to make that a B or better and she asked the Board members if they had a problem with changing that. The Board said they had no problem.

Selectman Kurk said on Work Rules and Schedule it says please refer to the Work Rules and Schedule section of the Weare Police Department Policy and Procedures for this information and she cannot find it. Selectman Methot said it refers to Standard Operations Procedures and Selectman Kurk thinks it should be attached. Mr. Bonanza said it is in depth and can be found in the Police Department files. Selectman Kurk said at the top of the page it refers to Weare Police Association and again she needs to have clarification of the authority of the association. Mr. Bodanza said each officer is given a set of Standard Operations Procedures when they are hired.

Selectman Kurk said on page 12 it refers to Chief Rigney and the Board has not heard from the Chief on this and Selectman Kurk said the Board would have to wait until they are given that information.

Selectman Kurk said on page 13 under Family and Medical Leave there is a note that states you're not required to comply with SMLA if you have less than 15 employees. Chairman Petrain said it is just information for employees. Co-Chairman Methot said it can be taken out because it mirrors what is in the Town Personnel Policy that has already been adopted.

Selectman Kurk said on page 14 where it says to be considered Eligible for Family and Medical Leave an employee must be employed by the Town of Weare for at least 12 months and must have worked 1,250 hours during the 12 month period.

Chairman Petrain asked if the Board was all set with the Whistle Blowers Act, Rights and Remedies and Definitions. The Board said yes. Co-Chairman Methot said on Definitions the word employees should be bold or highlighted and the word means, should be taken out and put a colon in.

Chairman Petrain said on page 4 is where Employee Definitions are and Selectman Kurk said to put it first. Selectman Kurk said on Other Benefits there is a lawyer note on that for Life Insurance. She said to list it as a separate benefit. Co-Chairman Methot said to make a note stating, provided by the Town for full time employees so you know who is paying for it. Co-Chairman Methot said Payroll Deductions does not belong there it belongs up front with the Colonial Package.

Chairman Petrain said on page 16 under Health, Medical and Life Insurance. Co-Chairman Methot said he would add additional retirement, supplemental insurance options. Chairman Petrain said based on Selectmen Kurk's question asked earlier, the Board needs to get clarification. Mr. Christensen will discuss with Local Government Center, based on information that Mr. Bodanza had, terms and conditions of the contract and sign new contract if the Board wants to meet with the Police Association on terms and some of the benefits if they will stay the same or change etc.

Selectman Kurk asked Mr. Bodanza wouldn't that be considered a bargaining agent. Mr. Bodanza said they are negotiating a contract collectively but not as defined by the Labor Department. Mr. Bodanza said if 1 person in the Association breeches contract then everyone breeches the contract. Co-Chairman Methot asked if there was such a thing as Employee Assistance Plan. Mr. Bodanza said he thinks there has to be. Selectman Kurk asked where Chairman Petrain stood. Chairman Petrain said she is all for employee benefits but not for individual contracts. She said a Department Head has an elevated position over the employees that work under them and the Town Administrator was a contractual position in the past. Selectman Cook said there is a contract with all employees and he believes the Police Department should be treated as an everyday employee.

Chairman Petrain told Mr. Bodanza the Board needed an explanation of his Employee Assistance plan and find out what is available. We need to put in something like programs available and list them. People would need to contact the Human Resource Department on what assistance is what it does, and does not cover. Co-Chairman Methot said there should be some guidelines. Chairman Petrain said to make it very vanilla as to the process. Co-Chairman Methot agreed and told Mr. Christensen that he may want to touch base with other Town Administrator colleagues. Co-Chairman Methot said he would get Mr. Christensen some more information. Mr. Christensen said he had no problem looking into this and he would forward to the Chief and the Board what he finds out. Selectman Kurk asked if the Board was putting any dates with this. Chairman Petrain said the Board needs to say this will be reviewed in 2 or 3 years, whatever the Board decides, only because different people sit and can't tie the hands of future Boards. Chairman Petrain said the Police Secretary pay is the only one that is not dated. Selectman Kurk asked Mr. Bodanza where we have part time officer's wages. Mr. Bodanza said they do not have part time officer's wages. The majority of the officer's are full time.

Selectman Kurk asked Mr. Bodanza how many full time officers there were. Mr. Bodanza said, including the Chief and Deputy Chief, there are 9 and this is including Officer Cox who is in Iraq. There are 2 part time officers and the Deputy Chief is part time.

Chairman Petrain said she thought the Board had not gone over the 8 officers and thought they were only authorized for 8 full time officers including the Chief. Co-Chairman Methot said it has been 8 as long as he can remember, for at least 3 or 4 years.

Chairman Petrain said the Board is still waiting for quite a bit of information from the Chief. Chairman Petrain made a date of November 1st to have this on the Agenda again. The Chief will need to come to that meeting and forward his information to the Selectmen's office.

Chairman Petrain said the Savings Clause is something the Board is getting information from the attorney.

Chairman Petrain told Mr. Bodanza November 1, 2004 is the next date. Mr. Christensen asked Chairman Petrain if the changes should continue to be redlined. Chairman Petrain replied, yes. Mr. Bodanza asked Chairman Petrain if the Board would sit down with the Association to make changes. Chairman Petrain told Mr. Bodanza if the Board was told that this is binding and the wording is legal, then absolutely and she would welcome the association's input based on changes. Chairman Petrain said there will be a Public Hearing and employees are welcome to come to voice their opinion, and the Board will have to move forward, based on the legal advice they get.

WAGES FOR ELECTED POLICE CHIEF POSITION – Chairman Petrain said there has been no discussion yet by the Board on this.

Mr. Christensen told the Board he looked into the question of the elected Police Chief's salary on two fronts. A, does the Board of Selectmen have the authority to set that salary and B, what should that salary be. On the first question, yes, according to Local Government Center's legal opinion, the Board of Selectmen has the authority to set the salary. What if the Town says no to the salary the Board elects, because the Board is proposing it and then it must be ratified, it is not cut and dry. Mr. Christensen said looking at the salary he utilized the Local Government Center's 2003 Wage Salary and Benefit Survey which he thinks is a really good source for all the positions in Town. Mr. Christensen said there were 24 Towns and these were all Towns from 5,000 to 9,999. The low, Kingston, was listed at 54,000 the high was Peterborough with 78,177. Mr. Christensen took the two lowest numbers out and took the two highest numbers out leaving it with Farmington being 55,370 and Meredith being at 68,682 and he went to the average, the halfway point being 61, 865. Mr. Christensen is recommending starting at the halfway point and go to the 3/4 point salary because that is an aggressive recruiting stance that a Town should take. It doesn't put you at the lowest or highest, it puts you at the above average mark and that would be 65,274 plus or minus. In this way the salary can be set on solid data and rationale. This is consistent with material from faxed data from Police Standards and Training that identifies a survey done in which Towns of ten officers and less, had an average Chief's salary of \$48,820 and those with a full-time officer force of between 11-20 officers, had an average Chief's salary of \$63,000. Weare is right at that threshold of ten officers. The response rate of the survey was 58 replies of the 211 communities with Police Departments, so approximately a 25% response.

Chairman Petrain said another thing the Board has to consider is the Education and Training Required which says, every elected police officer shall be required to satisfactorily complete a preparatory program of police training at a school approved by the council. Any elected officer who has not complied with the educational and training requirements of this paragraph within 6 months after election shall be removed from office by the governing body of the governmental unit by which such officer was elected; provided, however, that the council may, for such reasons as it may specify in its rules, grant an extension of this time limit not to exceed an additional 6 months. Chair Petrain said one of the things that the Board also has to consider is having individuals from the position that are not certified yet, so the Board wants to keep that in a realistic light as to what the Board is going to offer for the position.

Selectman Kurk said it is up to the citizens to take this opportunity to get people certifiable.

Chairman Petrain wants to see it as an amount that is not insulting to anyone and not so high that the Board is paying top dollar for someone who has yet gone through the training and it could potentially be 12 months before they are certified. Co-Chairman Methot said they have to be qualified and have to live in Town also, to be elected.

Selectman Kurk asked what the Chief before Chief Rigney was making. Co-Chairman Methot said he was making in the mid 60's. Selectman Cook said if he was still employed he would be at the same rate as Chief Rigney.

Selectman Kurk asked what the benefit of insurance was. Mr. Christensen said the family plan is around \$11,000.00 for the insurance package, and retirement and workmen's compensation needs to be factored into that.

The Board discussed this further and Selectman Kurk agreed that \$61,865 is a reasonable salary for an elected Police Chief, as a starting salary, as did Chairman Petrain. Co-Chairman Methot stands firm at \$65,000.00 and Selectman Cook agrees on what the Police Chief is currently getting which is about \$80,000.00. The Board will come to a decision at another meeting on this. Chairman Petrain encourages phone calls from the townspeople. In budget right now we have 80,000.00. Co-Chairman Methot said to put on ballot and let townspeople decide what they want to pay the Police Chief.

Mr. Forrest Esenwine said based on what the Board has talked about this evening, if you read statutes the authorities have set, the wage of a Police Chief is not something you can put up for a vote. You have already set that and that is it.

MANIFESTS – Chairman Petrain said an invoice came in for \$73.76 and was keyed in as \$7,376.00. Mr. Christensen said he would get an answer for the Board as to why this was done. Chairman Petrain said the check needs to be voided. The Board agreed to void the check and remove the amount of \$7,661.50 from the Manifest.

Chairman Petrain moved, Co-Chairman Methot seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated September 23, 2004 in the amount of \$339,145.71 for accounts payable and \$25,612.73 for gross payroll for a total of \$364,758.44 and there is also a void in accounts payable of (\$500.00). The manifest has been reduced in a total of \$7,661.50 for Dave's Portable Toilets. Passed 4-0-0.

EAGLE SCOUT PROJECT – Mr. Christensen said Mr. Dan Drysdale talked with Mr. Christensen about taking the sign outside of the Town Hall that was in bad need of repair and making it an Eagle Scout project.

Mr. Dan Drysdale stepped up to the microphone and informed the Board what he has done. He presented the Board with a picture of the sign and told the Board they could put whatever they wanted on it and the price of the sign would be \$2,700.00. The Board discussed this at length and was in agreement and gave Dan Drysdale the go ahead to do the sign and at the next Board meeting which is October 4, 2004, the Board will decide the wording and colors they would like. The Board also suggested that Mr. Drysdale raise money for the price of the sign because they

could not afford to pay for it. The Board suggested Mr. Drysdale to go on the internet, and also check with the Lions Club and the Chamber of Commerce for a donation because the Board is in agreement that they cannot pay the balance if Mr. Drysdale does not raise the money.

CIP DISCUSSION – Selectman Cook had comments on the CIP discussion that took place at the last Board of Selectmen's meeting. Mr. Christensen and he had talked and people are not having a correct understanding of it. The spread sheet they have is that, a spread sheet and it lists Capital Reserve Funds. Selectman Cook said the employee retirement was brought up so that could be put to another page. Co-Chairman Methot said the Planning Board was going to look into what a Master Plan is and Selectman Cook said they did it two years ago. The guidelines are not being changed every 2 years. Selectman Cook also said the capital reserve fund is what it is. It is part of the capital improvement program. In that program you have a list of capital reserve funds. Govt. building and maintenance fund was set up because of a lot of repairs that had to be done in various govt. buildings in Town. At the time the Board talked about it, they said, let's set up this fund and put \$50,000.00 in it every year until we are up to par with all the major repairs that need to be done. That has been done except for last year when they didn't get the funding. Maintenance was put into that title because it allowed flexibility to the Board in case of something happening that was not planned for. After all repairs are done maybe the Board can keep a balance of \$10,000.00 in there in case a boiler blew or something happened that the Board was not planning on. Selectman Cook said what has happened because of the default budgets, the capital reserve fund may be being used more than it should be. Selectman Cook said there seems to be confusion every year and there really shouldn't be any. It is not difficult to get through. Selectman Cook said that some statements made at the last meeting minutes did not do the Board justice.

Selectman Cook thinks Mr. Christensen is going in the right direction like the roof on the Stone building, plan for it now. The computer equipment fund is a good suggestion Mr. Christensen made also, because we need to get on some kind of a rotational basis so it can be replaced in the year 2010 and the money will be in the fund.

Selectman Kurk said repairing the doors is maintenance and Selectman Cook said if you are replacing the doors that is capital. Mr. Christensen was asked if the doors were replaced and he said they were repaired. Selectman Cook said the government building would be the only one in question.

3. ADMINISTRATOR REPORT

TRANSCRIBING SECRETARY - Mr. Christensen asked the Board if he had authority to hire a Transcribing Secretary since it is a contracted service, or if the Board had to do the hiring. The Board was in agreement that Mr. Christensen could do the hiring as long there is a clear understanding that the services are on a contracted basis at the rate of \$10.00/hr. Mr. Christensen suggested also having a floater position available to help out in various departments that need it. The Board thought that was a good idea and said it would have to be part of the budget. The Board will discuss this at a later date.

POLITICAL SIGNAGE ON PUBLIC PROPERTY POLICY – Chairman Petrain said this can be put on the next meeting under Old Business which is October 4, 2004.

HAPPY WEARITES REQUEST – Mr. Christensen said at his Public Budget Input Session with the seniors, at the Weare Town Hall, they requested that he let the Board of Selectmen know they would like to see the funds that have historically been given to them, through the Happy Wearites, restored to them, and not provided through the Parks and Recreation Commission. Among their concerns was ability for more control over quantity and events. Selectman Kurk asked for a breakdown of the expenses of 2004 for the seniors from PARC's budget. Mr. Christensen has retrieved this breakdown and it is attached to this document. Co-Chairman Methot asked Mr. Christensen to forward this document to Mr. Chuck Metcalf of Parks and Recreation.

Selectman Kurk informed the Board of the General Policy amended on Weare Parks and Recreation Commission April 11, 1997, that Mr. Metcalf gave her. There is a statement that states a Senior Citizen's representative shall be responsible for all expenditures against that group's line item in the budget. Senior Citizen's yearly appropriation budget shall, at the first of each month, be released automatically to the club's treasurer based on 12 monthly equal payments, approved at the Selectmen's meeting and it was amended December 21, 1994, Paragraph VI, new business. The Commission does not have the right to expend any portion or in part of this appropriation except for which it is intended. Chairman Petrain said the Board amended it during a Selectmen's meeting when the Happy Wearites came in regard to using the money and going out to lunch every year. Co-Chairman Methot said it was last year the Board moved that item and put it in charge of Parks and Recreation.

SIGNATURES – Mr. Christensen presented to the Board signatures needed for Ms. Judy Rogers in the Assessing office.

TRAPPING - Mr. Christensen presented the Board with a cover letter from a gentleman wishing to trap behind Bolton Field and the question is how to get onto the field. The only access he has is through Bolton Field and the problem he has is the gate onto the field. Mr. Christensen asked the Board if a key to the gate could be provided.

Selectman Kurk said the Conservation Commission would need to be contacted to see if any restrictions are put on the land and to check if there is anyone in the Town of Weare that does trapping as a hobby and may get first dibs on this.

Mr. Christensen explained to the Board the way trapping and hunting works in general. He said to an extent, it is an unwritten rule. Once you have permission it is the law of first blood, a term Fish and Game uses, which is first person to either location or first person to a kill is the one entitled to that kill or location.

Selectman Kurk said the land would be used differently than it was when the Wood's owned it so she would like to hear what the Conservation Commission has to say about it.

The Board was in agreement with this. Chairman Petrain said the Board could speak with this gentleman after the Board receives the Conservation Commission input. Mr. Christensen said he would hold onto the letter until he hears from the Conservation Commission.

Selectman Cook said he would like to see a copy of the Wood's deed. Mr. Christensen said he would provide the document to him.

4. NEW BUSINESS

TOWN ADMINISTRATOR JOB DESCRIPTION – Chairman Petrain said this would be moved to the Agenda for October 4, 2004 at the beginning.

PARKS AND RECREATION RESPONSIBILITY – Selectman Kurk said at some point she wanted to review and update the Parks and Recreation Department's responsibility. Because of so much being put on their plate she wants to provide them with a clear definition on what their responsibilities are to be. Chairman Petrain said she would look at the Agenda and a date would be set for the Board and Parks and Recreation to both attend.

PARKS AND RECREATION BUDGET – Chairman Petrain said one thing that Mr. Christensen pointed out to the Board at the last meeting was Parks and Recreation's Budget, and asked Mr. Christensen if Parks and Recreation were watching their budget line.

Mr. Christensen said to his knowledge, Ms. Elayne Pierson had a conversation with Mr. Metcalf and there was an issue with a payroll that Ms. Pierson had double entered and that will affect their budget a little.

Chairman Petrain said she believed the Director's salary for Parks and Recreation was way over. Mr. Christensen is not sure how the budget was put together but he believes it was during the summer months and based on Chase Park. Chairman Petrain said the Director's duties would have to be prioritized as to what he does because if the money is not there some things cannot be done.

Selectman Kurk said if the Board looked at Parks and Recreation's August Budget and Expenses they have less 18.95% and if you look at the September one they have 18.71% and that does not make sense to her that a month later there would be that little of a difference. Mr. Christensen will check into this.

STATE OF N.H. DEPARTMENT OF TRANSPORTATION - Selectman Cook said he had something from the State of N.H. Department of Transportation Excavation Permit and he would like the Board to approve filling this out. Selectman Cook told the Board at the Safety Complex, in the middle of the island, is a set of free poles, telephone poles. The power and the telephone comes from the left side of the highway, crosses over the highway to that pole, goes down the pole and then it is underground to the building itself. Selectman Cook said it is a mess and an idea he had was to go under Rte. 114 with utilities over that other pole. This can be done if we can get the money to do it and permission from the State would be needed first. Selectman Cook said if the Board can get the State's permission they can proceed to get quotes to find out what the cost would be. The money can be put in the budget for this or it can be asked for on a separate Warrant Article.

The Board said Mr. Christensen would look into this and will keep the permit on file until needed.

5. NONPUBLIC SESSION

Chairman Petrain moved, Co-Chairman Methot seconded to enter into nonpublic session @ 10:35 p.m. pursuant to the authority granted in RSA 91-A:3II (c) for reputation. A roll call vote was taken. Co-Chairman Methot – yes; Selectman Kurk – yes; Selectman Cook – yes; Chairman Petrain – yes. Passed 4-0-0.

In attendance: Chairman Petrain, Co-Chairman Methot, Selectman Cook, Selectman Kurk and Mr. Robert Christensen.

6. ADJOURNMENT

A True Record.

Merry Rice, Transcribing Secretary